

REMARKS

In the Office Action mailed July 29, 2008, the Office Action noted that claims 1-5 and 8-12 were pending and rejected claims 1-5 and 8-12. Claim 3 has been amended, claims 1-2, 4-6 and 9-12 have been cancelled; and thus in view of the foregoing, claim 3 remains pending for reconsideration which is requested. No new matter is believed to have been added. The rejection of claim 3 is respectfully traversed below.

Rejection of Claim 3 under 35 U.S.C. § 103(a)

On page 4 of the Office Action, claim 3 is rejected under 35 U.S.C. § 103(a). However, the Office Action notes that it is "anticipated by Toshiya et al. (Japanese Publication Number 2001-273375) (hereinafter "Toshiya"). The Applicant responds to this rejection treating it as a rejection under 35 U.S.C. § 103(a) over Yoshiya. Claim 3 has been amended and thus this rejection is respectfully traversed.

It is admitted on page 4-5 of the Office Action that Yoshiya does not teach "wherein it is the ID numbers, per se, that are transmitted." However, the Office Action alleges that claim 3 does not claim a functional distinction over Toshiya, "since both systems transmit multiple and anonymous results." The Office Action notes further that "[t]he precise manner in which the multiple results are displayed would merely be an arbitrary design choice that would be obvious to one of ordinary skill in the art at the time of the invention." However, amended claim 3 is patentably distinguishable over Yoshiya and recites:

transmitting, in response to reception of the transmission request,
examinee ID numbers of a plurality of passing examinees,
including examinee ID numbers in close numerical proximity to an
examinee ID number corresponding to the particular examinee.

While the Office Action alleges that claim 3 does not recite a functional distinction, the Applicant respectfully disagrees. Paragraph [0006] of Yoshiya discusses enabling a user to inform third parties of the user's passing exam result. The user of Yoshiya can input one or more e-mail addresses to whom the user is willing to inform of his/her exam result. (See paragraph [0026]). The user may also store the e-mail addresses in a database. Then, the information transmission program of Yoshiya transmits information indicating that the user has passed to the one or more e-mail addresses to whom the user wishes to share his/her exam result with. Paragraph [0026] of Yoshiya notes that "the mail address of the partner whom a user wants to tell about the result is inputted, and the approach of transmitting is raised."

Claim 3 now recites "transmitting, in response to reception of the transmission request,

examinee ID numbers of a plurality of passing examinees, including examinee ID numbers in close numerical proximity to an examinee ID number corresponding to the particular examinee.” The amendment to claim 3 is supported by the originally filed specification by at least Figure 6 and Figure 10D and page 12, lines 27-34.

In other words, while claim 3 is directed to transmitting examinee IDs in close numerical proximity to the particular examinee, Yoshiya discusses sending one successful exam result to third parties to whom the examinee wishes to share his exam result with. The features of claim 3 are more clearly depicted in Figure 6 and Figure 10D of the present Application. Figure 10D of the present Application shows the transmitted examinee IDs as claimed in claim 3.

Thus, claim 3 does not recite a mere arbitrary design choice, but a patentably distinguishable distinction between Yoshiya and claim 3. As indicated in the specification on page 12, lines 30-31, claim 3 recites features “so that the pass/fail result of a single examinee is not displayed.” This may help to reduce “psychological impact” on the examinee. (See page 1, line 37 to page 2, line 6). Claim 3 is directed to transmitting multiple examinee ID numbers in close proximity to the examinee’s ID number to help reduce this “psychological impact” upon the test taker. Withdrawal of the rejection is requested.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/647,334


If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 29, 2008

By: _____


J. Randall Beckers

Registration No. 30,358

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501